

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Investigation on the
Commission's Own Motion into the Operations
and Practices of Pacific Gas and Electric
Company with Respect to Facilities Records for
its Natural Gas Transmission System Pipelines.

Investigation 11-02-016
(Filed February 24, 2011)

ORDER EXTENDING STATUTORY DEADLINE**Summary**

This decision extends the statutory deadline in these proceedings to December 23, 2015.

Public Utilities Code Section 1701.2(d) provides that adjudicatory cases shall be resolved within 12 months of the date that they are initiated unless the Commission makes findings as to why that deadline cannot be met and issues an order extending that deadline. This matter has been categorized as adjudicatory and the 12-month deadline for its resolution had been February 24, 2012. The statutory deadline for this proceeding had been extended previously; most recently Decision 15-08-026 extended the statutory deadline for this proceeding to October 23, 2015. This decision extends the statutory deadline to December 23, 2015.

Background and Discussion

On April 9, 2015, the Commission issued Decision (D.) 15-04-021 which resolved the alleged violations in this proceeding. Additionally, a coordinated decision (D.15-04-024) concerning fines and remedies was issued in this

proceeding, as well as in Investigation (I.) 11-11-009 and I.12-01-007. These two decisions resolved all issues identified in the Order Instituting Investigation. However, the proceeding remained open to address various motions filed by the City of San Bruno and the Commission's Safety and Enforcement Division for the Commission to issue an order to show cause and impose sanctions against PG&E in connection with alleged violations of Rule 8.3 of the Commission's Rules of Practice and Procedure regarding ex parte communications.¹

In addition to the motions filed in this proceeding, there is a pending petition for modification in Rulemaking (R.) 09-01-019 (Rulemaking to Examine the Commission's Energy Efficiency Risk/Reward Incentive Mechanism) associated with improper ex parte communications. Finally, PG&E has filed a number of untimely notices of ex parte communications in other Commission proceedings, as well as notices of improper ex parte communications.² Based on the widespread nature of PG&E's ex parte violations and a related petition for modification, it is important that these motions be addressed in a coordinated fashion. In order to provide the Commission additional time to do so, it is necessary to extend the statutory deadline rather than rule on the motions separately.

¹ These motions were also filed in I.11-11-009 and I.12-01-007.

² See, e.g., R.11-02-019 (Rulemaking to Adopt New Safety and Reliability Regulations for Natural Gas Transmission and Distribution Pipelines and Related Ratemaking Mechanisms); Application (A.) 09-09-021 (Application of PG&E for Approval of 2008 Long-Term Request for Offer Results and for Adoption of Cost Recovery and Ratemaking Mechanisms); and A.09-12-002 (Application of PG&E for Approval of the Manzana Wind Project and Issuance of a Certificate of Public Convenience and Necessity).

Waiver of Comment Period

Under Rule 14.6(c)(4) of the Commission's Rules of Practice and Procedure, the Commission may reduce or waive the period for public review and comment of proposed decisions extending the deadline for resolving adjudicatory proceedings. Accordingly, pursuant to this rule, the otherwise applicable period for public review and comment is waived.

Assignment of Proceeding

Michael Picker is the assigned Commissioner and Amy C. Yip-Kikugawa is the assigned Administrative Law Judge in this proceeding.

Findings of Fact

1. This proceeding was initiated on February 24, 2011.
2. Based upon the statutory deadline, this proceeding must be resolved within 12 months of its initiation, unless this date is extended.
3. Decision 15-08-026 extended the statutory deadline for this proceeding to October 23, 2015.
4. Decisions resolving all issues in the Order Instituting Investigation were issued on April 9, 2015.
5. The proceeding remained open to address motions filed by the City of San Bruno and the Commission's Safety and Enforcement Division.
6. Concerns regarding PG&E's violation of Rule 8.3 have arisen in other Commission proceedings.
7. An additional extension of the statutory deadline is necessary in order to establish a process that will address PG&E's ex parte violations in a coordinated fashion.

Conclusions of Law

1. The statutory deadline imposed by Pub. Util. § 1701.2(d) should be extended to December 23, 2015.

2. This order should be effective immediately.

IT IS ORDERED that the 12-month statutory deadline in this proceeding is extended to December 23, 2015.

This order is effective today.

Dated _____, at San Francisco, California.